

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: NIELSEN, et al.

Serial No.: 09/845,716

Filed: May 2, 2001

For: USE OF A-MSH AND EPO FOR PREVENTING OR TREATING...

Confirmation No.: 3819

Art Unit: 1647

Examiner: DEBERRY, R.

Washington, D.C.

Atty.'s Docket: NIELSEN=3A

Date: October 7, 2004

U.S. Patent and Trademark Office

2011 South Clark Place

Customer Window

Crystal Plaza Two, Lobby, Room 1B03

Arlington, Virginia 22202

Sir:

Transmitted herewith is an [] Amendment [XX] Election _____ in the above-identified application.

[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

[XX] Small entity status of this application under 37 CFR 1.9 and 1.27 has been previously asserted.

[] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[] No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	Small Entity			Other Than a Small Entity		
Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Additional Fee		Rate	Additional Fee
Total	Minus		0	x 9	\$		x18	\$
Indep.	Minus		0	x44	\$		x88	\$
First Presentation of Multiple Dependent Claim				150	\$		+300	\$
TOTAL ADDITIONAL CLAIMS FEE					\$	Total		\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petit

[XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[XX] First - \$ 55.00

[] Second - \$ 215.00

[] Third - \$ 490.00

[] Fourth - \$ 765.00

[] Fifth - \$1040.00

Other Than Small Entity

Response Filed Within

[] First - \$ 110.00

[] Second - \$ 430.00

[] Third - \$ 980.00

[] Fourth - \$1530.00

[] Fifth - \$2080.00

[] Less fees (\$) already paid for months extension of time on

[] Please charge my Deposit Account No. 02-4035 in the amount of \$ _____. A duplicate copy of this sheet is attached.

[] A check in the amount of \$ _____ is attached (check no.).

[] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$ _____ is attached.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case.

This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

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NIELSEN, et al.) Examiner: DEBERRY, REGINA
)
Serial No.: 09/845,716) Washington, D.C.
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ELECTION

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S i r :

In response to the restriction requirement mailed August 11, 2004, Applicants elect group III (claim 11).

Since the elected group does not include any of the claims (2, 14, 15, 16) deemed generic to a plurality of species, it does not appear that a species election is required.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
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